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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,652	11/29/2001	Naoto Ohashi	SHC0160	7387

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EXAMINER

REICHLER, KARIN M

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Applicati n No.

09/997,652

Applicant(s)

OHASHI ET AL. *HE*

Examiner

Karin M. Reichle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

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1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are: page 1, lines 13-17, page 2, last 2 lines, page 3, first full paragraph, line 3 thereof, page 3, lines 12 et seq, paragraph bridging pages 8-9, lines 2 and 8 thereof, page 10, first full paragraph, lines 3-6 thereof, paragraph bridging pages 10-11, lines 1-4 thereof, page 11, first full paragraph, last five lines thereof, paragraph bridging pages 11-13, lines 6-9 thereof, the paragraph bridging pages 13-14, line 7 and last sentence, paragraph bridging pages 14-15, line 19 thereof, and abstract, line 4.
2. The abstract of the disclosure is objected to because on line 1, "the" should be --A--. On line 3, should "core" be --absorbent member--? See remainder of description on pages 1-15 of the application. Correction is required. See MPEP § 608.01(b).
3. The drawings are objected to because in Figures 2 and 8, the lines from 29 should be dashed to denote underlying structure, see Figure 3. In Figure 3, the numeral 39 appears to denote the flap already designated 31, i.e. an arrow to the space rather than a line to the flap could be used. Figure 5 is not consistent with the description thereof on page 4, i.e. the view along line V-V in Figure 2 is partially cutaway but Figure 5 is not. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed in claims 3, 6 and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities: 1) The Summary of the Invention section, i.e. a description of the claimed invention, and the invention of the claims should be commensurate, see MPEP 608.01(d) and 1302.01. 2) Is "MAGICTAPE" on page 6, last line a trademark? If so the quotation marks should be deleted. 3) The description of Figure 5 is not consistent with Figure 5 for the reasons discussed supra. 4) On page 7, line 8, "44" should be --41--. 5) On page 8, line 12 should "stale" be --state--? 6) In the paragraph bridging pages 8-9, line 5 thereof, "5" should be --4--. 7) Are adhesives 28 and 42 one and the same, see Figures? 8) In the paragraph bridging pages 11-13, line 2 thereof, "2" should be --8-- and on line 5 thereof, "36"(1st) should be --37--.

Appropriate correction is required.

6. Claims 4-5 and 7-8 are objected to because of the following informalities: in claim 4, last line, "trunk" should be deleted to be consistent. In claim 5, line 2, after "aligned", --with --

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should be inserted. In claim 8, line 2, "attached" should be --fixed-- to be consistent.

Appropriate correction is required.

7. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 1, are the "inner surface" and "inner side" one and the same? In regard to claim 4, line 2, the terminology "third" infers that there are at least two other grooves at a minimum but only at least one groove has been claimed in claim 1. How many grooves at a minimum is Applicant claiming in claim 4? Claims 6 and 7 are redundant, see claims 3 and 4 and note the claims do not require the core to be between the groove and sheet opposed thereto.

8. Applicant is advised that should claims 3 and 4 be found allowable, claims 6 and 7, respectively, will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 1, 2, 4-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Morin '003.

*especially cover cut away in figure 1,*  
See Figures, col. 1, lines 17-18, col. 2, lines 11-14 and 29-32, col. 3, lines 34-38 and 66-69, col. 4, lines 11-16 and 37-64 and claim 12 of Morin, i.e. cover is 13, topsheet is 11, core is 12 and backing sheet is 15.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morin in view of the American Heritage Dictionary definition of 'grid" and Megison et al.

Applicants claims first grooves extending longitudinally and second grooves extending orthogonally to the first grooves, intersecting with the first grooves and extending to transverse

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side edges of the absorbent member. It is Examiner's first position that the portions of Morin cited supra teach such structure. In any case, Morin teaches the grooves can be interconnected strips, can extend longitudinally and transversely and can be in the form of a grid. The American Heritage Dictionary teaches a grid is "A frame work of parallel or crisscrossed bars, gridiron" or "A pattern of horizontal and vertical lines forming squares of uniform size on a map, chart aerial ...points". Also see Megison et al, Figures and col. 9, lines 10-14. To employ the claimed pattern of grooves on the Morin device(if not already) would be obvious to one of ordinary skill in the art in view of The American Heritage Dictionary and Megison in view of the recognition that such pattern includes interconnected strips which extend longitudinally and transversely in the form of a grid and the desire of Morin to employ such or similar patterns.

13. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glassman in view of Morin and Johnston et al.

Glassman teaches all the claimed structure except for grooves being formed in the backsheet facing side, i.e. see Figures 1, 3, 5, cover is 11, member is 17, topsheet is 14a, core is 13a and backing sheet is 12a, adhesive is 22, see col. 2, lines 63-65, grooves are 25, see col.3, lines 32-37. Also note the cited portions of Morin, and Figures 2 and 4 and col 6, lines 17-24 of Johnston et al. To employ grooves on both sides of the insert of Glassman et al instead of just one side would have been obvious to one of ordinary skill in the art in view of the teachings of Morin and Johnston et al due to the recognition that such would improve the distribution of moisture, i.e. more grooves for distribution, and Glassman's desire for such distribution as well as

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the interchangeability of channels on both sides for channels on one side as taught by Johnston et al.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The other cited art also show various devices with grooves.

15. Any inquiry concerning this communication should be directed to K. M. Reichle at telephone number 703-308-2617. The Examiner's regular work schedule is Monday-Thursday.

KMR

December 12, 2002

*K. M. Reichle*  
KIM REICHEL  
PATENT EXAMINER